	,	ROUTING A	IND RECORL	D SHEET
SUBJECT	T: (Optional)			DD/A Registry
	Uniform Freedom of Inf	formation Gu	uidelines	82-2940//
FROM:	Harry E. Fitzwater		EXTENSION	NO. 000 Con 1-15/1
	Deputy Director for Ad 7D24 Hqs.	lministratio	חי	DATE 1 4 DEC 1982
TO: (Office building)	ficer designation, room number, and	DATE	OFFICER'S	COMMENTS (Number each comment to show from whom
bonaing)		RECEIVED FORWA	INITIALS	to whom. Draw a line across column after each comment.)
1.				
	Executive Secretary			Attached are comments (in blind
2.				memo) in response to the Cabinet Affairs Staffing memorandum dated 10 December 1982 regarding
3.				the proposed OMB Freedom of Information Act Fee Guidelines.
4.				-
 -				
5.				
6.				+
7.				
				-
8.	· 			
9.				
1.5		-		-
10.	1			
11.	· i			
12.	i			
13.				
				_
14.				
				1 290
15.				
ORM 61	10 USE PREVIOUS EDITIONS			EXEC REG

CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DIRECTOR

14 December 1982

NOTE FOR: Becky Norton Dunlop

Director, Office of Cabinet Affairs

In response to your request contained in Cabinet Affairs Staffing Memorandum 077648CA, the attached CIA comments on FOIA Fees are forwarded.

Executive Secretary

Attachment: a/s

25X1

14 December 1982

Comments Regarding the "Freedom of Information Act Fees"

Memo Dated 30 November 1982 from

Joe Wright to Ed Meese

GENERAL COMMENTS

We appreciate the opportunity to comment on the proposal to issue uniform Freedom of Information Act (FOIA) fee guidance. The thrust of the proposal is very similar to our current operating FOIA procedures. We employ centralized processing of FOIA, Privacy Act and mandatory review requests authorized by Executive Order 12356. Our specific comments are listed below which focus on fine tuning several points and we cite a major concern for the added administrative burden associated with implementing case-by-case reporting via the "Model Processing Form."

SPECIFIC COMMENTS - UNIFORM FOIA GUIDELINES

Para 6. - Fees to be Charged Para 7.d.(4) Minimum Charges.

In order to recover costs associated with requests for material released through previous FOIA cases, we suggest a lower minimum fee than the \$25 proposed. Therefore, agencies should have greater discretion in this regard and a cut-off cost in the range of \$10 to \$15 seems more appropriate.

Para 6.a. Manual Searches for Records -

Here we suggest that average hourly rates be established by each agency for clerical and professional search functions.

These average rates would then be multiplied by the hours, or fractions thereof, to determine actual costs. To determine the exact rate per hour of each employee seems to impose an excessive administrative burden on the process.

Para 6.d. - Duplication Costs -

We have noted that copy costs in some private sector firms are as low as \$.05 per page. Thus, a \$.25 per page cost may be challenged in view of the basic premise that FOIA material should be readily available to the public. A per page copy cost of \$.15 - \$.20 may be more appropriate.

Para 7.d.(2) Advanced Deposits

We would suggest an upper limit of a 50 percent deposit when the fee estimate is substantial (i.e., more than \$100.00). This would provide agencies with a range of 25-50 percent and allow for existing policies that require 50 percent deposits to remain in force.

Model Processing Form

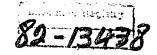
This is the most troublesome feature of the proposal in that it greatly expands information now captured in our computer data base of FOIA request information. Of specific concern are the following items:

- * Additional time and effort would be required to capture this data on each request. The consequence will be a delay in responses to the requester or added resources to maintain the current timetable or possibly both will occur.
- * This data would be captured and compiled manually pending computer systems reprogramming. This could require a year or more of computer programming in competition with other high priority needs.
- * It would be difficult, if not impossible, for agencies to capture meaningful cost data to properly report on FOIA cases in process that constitute significant backlog situations.

Therefore, it appears that we can more effectively compile an annual report to OMB by using data currently available to us rather than accumulating costs on a case-by-case basis as suggested. Total costs can be ascertained, based on work-years and average salary costs devoted to the FOIA process. These annual costs can then be allocated to the cost factors suggested in the "Proposed Reporting Format for Capturing Agencies' FOIA Operating Costs", section 1.a., Operating Costs.

The <u>Fees</u> section of the annual report would require data to be accumulated manually, but this should not cause an adverse impact on the entire FOIA process.

THE WHITE HOUSE WASHINGTON



CABINET AFFAIRS STAFFING MEMORANDUM

DATE: 12/10/82	NUMBER	: 0776	48CA DUE BY:	COB 12/1	4/82
SUBJECT: Freedom	of Information	n Act F	'ees		
	ACTION	FYI		ACTION	FYI
ALL CABINET MEM	BERS 🖼		Baker		
Vice President State Treasury Defense Attorney General Interior Agriculture Commerce Labor HHS HUD Transportation Energy Education Counsellor OMB	00000000000000000	000000000000000000	Deaver Clark Darman (For WH Staffing) Harper Jenkins		00000000000
USTR			CCCT/Gunn CCEA/Porter		
CEA CEQ OSTP	00000	00000	CCFA/Boggs CCHR/Carleson CCLP/Uhlmann CCMA/Bledsoe CCNRE/Boggs		0000
REMARKS: Please by COB	review the at on December 1	tached 4, 198	material and provide 2.	DEC 10 4	ra.
RETURN TO:	Craig L. Fuller Assistant to the Pr for Cabinet Affairs 456–2823		Becky Norton Dunlop Director, Office of Cabinet Affairs 456–2800	1 30	

Approved For Release 2007/05/21: CIA-RDP83M00914R00230001000